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Dated: August 11, 2005

Signature: _____

(Grace Yb)

Docket No.: 146712015100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael R. TILLER et al.

Application No.: 10/748,784

Confirmation No.: 4479

Filed: December 30, 2003

Art Unit: 3682

For: RADIAL PUMPING OIL SEAL FOR FLUID
DYNAMIC BEARING MOTOR

Examiner: L. Footland

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the election requirement set forth in the Office Action mailed June 15, 2005, for which the time to respond is set to expire July 15, 2005. Filed herewith is a petition for a one-month extension, thereby extending the deadline to August 15, 2005. Therefore, this response is timely filed. Applicants hereby elect the species covered by Species I, drawn by the Examiner to the species of Fig. 4, and provisionally identified by the Applicant as Claims one through ten, with traverse.

ELECTION OF INVENTION

Claims 1-20 are pending in this application. Restriction has been required as between the following allegedly distinct groups of inventions based upon Figures in the application:

Species I: drawn to the species of Fig. 4;

Species II: drawn to the species of Fig. 5;

Species III: drawn to the species of Fig. 6; and

Species IV: drawn to the species of Figs. 7-8.

Applicants respectfully point out that Fig. 5 is an enlarged view of a section of Fig. 4, and that Fig. 6 is a perspective view of a detail of Figs. 4 and 5. Applicants do not understand how Figs. 4, 5, and 6 can encompass different species because they are different views of the same apparatus.

Applicants hereby elect Species I (provisionally identified by the Applicants as claims one through ten), with traverse with respect to the restriction between Species I, II, III, and IV. Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Should the Examiner uphold the restriction requirement with respect to Species II, III, and IV and the product claim is subsequently found allowable, Applicants reserve the right to request rejoinder of withdrawn process claims which include all the limitations of the allowable product claim for examination (M.P.E.P. §821.04).

Applicants request that, upon allowance of a generic claim, the remainder of the species be included as permitted by 37 C.F.R. § 1.141(a).

CONCLUSION

Applicants request reconsideration of the restriction requirement and examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 146712015100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 11, 2005

Respectfully submitted,

By 

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